

House Bill 587 (AS PASSED HOUSE AND SENATE)

By: Representatives May of the 111<sup>th</sup>, Harbin of the 118<sup>th</sup>, Fleming of the 117<sup>th</sup>, and Roberts of the 154<sup>th</sup>

A BILL TO BE ENTITLED  
AN ACT

1 To amend Article 2 of Chapter 4 of Title 46 of the Official Code of Georgia Annotated,  
2 relating to the distribution, storage, and sale of gas, so as to provide for revocation of a  
3 certificate of public convenience and necessity if the holder of the certificate has not begun  
4 construction or operation of any pipeline, or distribution system, or any extension thereof,  
5 in substantially all of the territory covered by such certificate where an end-use customer,  
6 property owner, or developer has requested natural gas service; to provide for related matters;  
7 to provide for applicability; to provide for an effective date; to repeal conflicting laws; and  
8 for other purposes.

9 BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

10 **SECTION 1.**

11 Article 2 of Chapter 4 of Title 46 of the Official Code of Georgia Annotated, relating to the  
12 distribution, storage, and sale of gas, is amended by adding a new subsection to Code  
13 Section 46-4-28, relating to the suspension, revocation, alteration, or amendment of  
14 certificates by the Public Service Commission, to read as follows:

15 "(a.1) Any certificate issued under this article shall be revoked or amended by the  
16 commission upon application to the commission by a person to provide natural gas service  
17 to a specified end-use customer, property owner, or developer who has requested natural  
18 gas service if the holder of the certificate has failed to begin construction or operation of  
19 any pipeline, or distribution system, or any extension thereof, in substantially all of the  
20 territory covered by such certificate. Once a person has filed such an application, the  
21 portion of the certificate of the territory for which the applicant is seeking to provide  
22 natural gas service to a specified end-use customer, property owner, or developer shall be  
23 deemed revoked or amended. The commission shall determine whether the applicant shall  
24 be entitled to a certificate for the territory that has been excluded from the certificate by  
25 revocation or amendment, whether such territory should be re-issued to the person who  
26 held the certificate at the time of the application, or whether such territory shall be deemed

uncertificated. The commission shall make such determination within 90 days of the application and shall consider, in addition to the factors set forth in subsection (a) of Code Section 46-4-25, whether the applicant can offer service in a timely manner, and such other factors the commission deems in the public interest. The commission in determining whether to reissue a certificate to the person who held the certificate at the time of the application shall consider the length of time the certificate was held without service being provided. The newly certificated area shall be designed by the commission to serve the customers, property owners, or developers in question while ensuring a boundary with safety and public welfare as the focus."

## SECTION 2.

This Act shall become effective upon its approval by the Governor or upon its becoming law without such approval and shall apply to all certificates in effect or applied for on or after such date.

### SECTION 3.

All laws and parts of laws in conflict with this Act are repealed.